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8 Attorneys for Plaintiff
9 PACIFIC LOGISTICS CORP

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF ARIZONA

12 PACIFIC LOGISTICS CORP, a California
13 corporation,

14 Plaintiff,

15 vs.

16 PACIFIC LOGISTICS PRIORITY MAIL, a
17 business entity form unknown; JOHN DOE,
18 said name being fictitious and unknown;
19 DOES 2 through 10; and ROE
20 CORPORATIONS 2 through 10,

21 Defendants.

CASE NO.:

SEALED

CV-19-05023-PHX-SMB

**DECLARATION OF MILORD A.
KESHISHIAN IN SUPPORT OF
PACIFIC LOGISTICS CORP'S *EX*
PARTE MOTION TO SEAL, *EX PARTE*
MOTION FOR A TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION; AND
EX PARTE MOTION FOR EARLY
DISCOVERY**

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**DECLARATION OF MILORD A. KESHISHIAN IN SUPPORT OF PACIFIC LOGISTICS CORP'S
EX PARTE MOTION TO SEAL, *EX PARTE* MOTION FOR A TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION; AND *EX PARTE* MOTION FOR EARLY DISCOVERY**

DECLARATION OF MILORD A. KESHISHIAN

I, Milord A. Keshishian, hereby swear and affirm pursuant to 28 U.S.C. §1746 upon direct personal knowledge that the following is true and correct:

1. I am the principal of Milord & Associates, PC, and I am admitted to practice law in the State of California. I am also a member of the Patent Bar as a registered patent attorney. I am, and have been at all times since my admission, a member in good standing of each bar.

2. I am admitted to all California State Courts, the Northern, Southern, Central and Eastern Districts of California, the Ninth Circuit Court of Appeals, and the Court of Appeals for the Federal Circuit.

3. I am filing an Application of Attorney for Admission to Practice Pro Hac Vice Pursuant to LRCiv 83.1(b)(2) to practice in this Court concurrently with the Complaint, *Ex Parte* Motion to Temporarily Seal this Case File Until Defendants are Identified and Served, *Ex Parte* Motion for Temporary Restraining Order, and Preliminary Injunction, and *Ex Parte* Motion for Early Discovery.

4. I am counsel for the Plaintiff, Pacific Logistics Corp ("PLC").

5. I have personal knowledge of the facts stated herein unless otherwise indicated.

6. Attached as **EXHIBIT D** to the Appendix of Exhibits is a true and correct screenshot evidencing the website located at www.pacificlogisticsprioritymail.com (last accessed August 19, 2019) belonging to the Pacific Logistics Priority Mail, John Doe, Doe Defendants, and Roe Corporation Defendants (collectively, "Defendants"). This screenshot shows Defendants purported locations at (1) Vermillionville 1600 Surrey St., Lafayette, Louisiana 70058 and (2) 3740 Seaport Blvd, Ste 10, West Sacramento, CA 95691.

7. Attached as **EXHIBIT E** to the Appendix of Exhibits are a true and correct screenshots of the "About Us" webpage identifying fake organization members "Jonathan

1 Briggs” as the Founder and CEO and “Lisa Briggs” as the Finance Manager on
2 Defendants’ website www.pacificlogisticsprioritymail.com (last accessed August 19,
3 2019).

4 8. Attached as **EXHIBIT F** to the Appendix of Exhibits are true and correct
5 screenshots of the “Our Team” webpage identifying “Sultan Malik Oglu,” “Goerge
6 Brolin,” “Ethan Portman,” “Richard Kitch,” and “Sinthia Forester” on Defendants’
7 website www.pacificlogisticsprioritymail.com (last accessed August 19, 2019).

8 9. Attached as **EXHIBIT G** to the Appendix of Exhibits is a true and correct
9 screenshot of the fake customer testimonial of “Jonathan Adams” on Defendants’ website
10 www.pacificlogisticsprioritymail.com (last accessed August 19, 2019).

11 10. Attached as **EXHIBIT H** to the Appendix of Exhibits is a true and correct
12 screenshot of the fake customer testimonial of “Steve McDonald” on Defendants’
13 website www.pacificlogisticsprioritymail.com (last accessed August 19, 2019).

14 11. Attached as **EXHIBIT I** to the Appendix of Exhibits is a true and correct
15 screenshot of the fake customer testimonial of “Amanda Tammy” on Defendants’
16 website www.pacificlogisticsprioritymail.com (last accessed August 19, 2019).

17 12. On or about August 19, 2019, we conducted a LexisNexis Public Record
18 search for Pacific Logistics Priority Mail, which returned zero results.

19 13. On or about August 19, 2019, we conducted a Google search and
20 LexisNexis Public Record search for Jonathan Briggs and found no search results
21 matching any persons named Jonathan Briggs in connection with Pacific Logistics
22 Priority Mail.

23 14. On or about August 19, 2019, we conducted a Google search and
24 LexisNexis Public Record search for Lisa Briggs and found no search results matching
25 any persons named Lisa Briggs in connection with Pacific Logistics Priority Mail.

26 15. On or about August 16, 2019, we conducted a Google search and
27 LexisNexis Public Record search for Sultan Malik Oglu and found no search results for
28 any persons named Sultan Malik Oglu.

1 16. On or about August 16, 2019, we conducted a Google search and
2 LexisNexis Public Record search for George Brolin and found no search results for any
3 persons named George Brolin.

4 17. On or about August 16, 2019, we conducted a Google search and
5 LexisNexis Public Record search for Ethan Portman and found no search results for any
6 persons named Ethan Portman in connection with Pacific Logistics Priority Mail.

7 18. On or about August 16, 2019, we conducted a Google search and
8 LexisNexis Public Record search for Richard Kitch and found no search results for any
9 persons named Richard Kitch.

10 19. On or about August 16, 2019, we conducted a Google search and
11 LexisNexis Public Record search for Sinthia Forester and found no search results for any
12 persons named Sinthia Forester.

13 20. On or about August 15, 2019, we conducted a Google search and
14 LexisNexis Public Record search for Jonathan Adams and found identical copies of Mr.
15 Adams' purported testimonial on other websites, including www.eagleast.com,
16 www.hermanoimpex.com, www.speedforwarding.com, www.xpresscargoes.com, and
17 www.setransa.com.

18 21. On or about August 15, 2019, we conducted a Google search and
19 LexisNexis Public Record search for Steve McDonald and found identical copies of Mr.
20 McDonald's purported testimonial on other websites, including
21 www.bridegewayfreighting.com, www.falcontransport.ca, and
22 shipmentsmart.com/shortcodes.

23 22. On or about August 15, 2019, we conducted a Google search and
24 LexisNexis Public Record search for Amanda Tammy and found identical copies of Ms.
25 Tammy's purported testimonial on other websites, including www.sagoms.com.

26 23. On or about August 19, 2019, we conducted a Google search and
27 LexisNexis Public Record searches for (1) Vermillionville 1600 Surrey St., Lafayette,
28 Louisiana 70058 and (2) 3740 Seaport Blvd, Ste 10, West Sacramento, CA 95691 and the

1 locations identify other businesses.

2 24. On or about August 18, 2019, we performed a search for
3 head@pacificlogisticsprioritymail.com email address on www.verifyemailaddress.org.
4 The search results stated that the connection to the pacificlogisticsprioritymail.com did not
5 work. Attached as **EXHIBIT J** to the Appendix of Exhibits is a true and correct
6 screenshot of the www.verifyemailaddress.org results page for
7 head@pacificlogisticsprioritymail.com.

8 25. On or about August 18, 2019, we performed a search for
9 george.brolin@bestlogistic.com email address on www.verifyemailaddress.org. The
10 search results stated that the email address is likely not valid. Attached as **EXHIBIT K**
11 to the Appendix of Exhibits is a true and correct screenshot of the
12 www.verifyemailaddress.org results page for george.brolin@bestlogistic.com.

13 26. On or about August 7, 2019, PLC's Chief Operating Officer, Eric
14 Hockersmith, forwarded an email to me from an actually confused consumer, Ms.
15 Catherine Gallagher.

16 27. On or about August 8, 2019, I contacted Ms. Gallagher to alleviate her
17 actual confusion and inform her that PLC and Pacific Logistics Priority Mail were not
18 related entities. On or about August 9, 2019, Ms. Gallagher responded to me by
19 providing screenshots of her Western Union money transfer to Defendants for
20 "refundable insurance." On or about August 10, 2019, I replied to her email asking for
21 additional information. Attached as **EXHIBIT L** to the Appendix of Exhibits is a true
22 and correct copy of my email correspondence with Ms. Gallagher.

23 28. On or about August 10, 2019, Ms. Gallagher forwarded her previous
24 communications with Defendants' pacificlogisticsprioritymail@gmail.com email address
25 between August 5, 2019 and August 7, 2019. I reviewed Ms. Gallagher's email
26 communications with Pacific Logistics Priority Mail, which demonstrate a typical scam
27 to pressure Ms. Gallagher to pay additional fees via untraceable methods with a false
28 promise of receiving her package. Pacific Logistics Priority Mail advised Ms. Gallagher

1 she needed to pay \$310 for additional “insurance” before the product could be shipped,
2 which it would “refund” after the delivery. Ms. Gallagher complied and paid Pacific
3 Logistics Priority Mail \$310 via an untraceable Western Union transfer, Pacific Logistics
4 Priority Mail then stated the package had insufficient “stamps” and required further
5 payment of either an additional \$322 for a three-year term or \$505 for a five-year term
6 for the release of her package. Ms. Gallagher expressed her frustration with Pacific
7 Logistics Priority Mail, calling them “scammers,” to which they responded that she was
8 following bad advice and needed to remit payment. Additionally, in the correspondence,
9 Pacific Logistics Priority Mail referred to itself as “Pacific Logistics.” Attached as
10 **EXHIBIT M** to the Appendix of Exhibits is a true and correct copy of the email
11 correspondence string in reverse chronological order between Ms. Gallagher and Pacific
12 Logistics Priority Mail.

13 29. An August 18, 2019 WhoIs search result for the www.pacific-logistics.com
14 domain name showing the domain was registered in or about August 1999 is attached as
15 **EXHIBIT N** to the Appendix of Exhibits.

16 30. An August 18, 2019 WhoIs search result for the
17 www.pacificlogisticsprioritymail.com domain name the domain name was registered in
18 or about January 2018 is attached as **EXHIBIT O** to the Appendix of Exhibits. The
19 search results also shows NameSilo, LLC as the domain name registrar,
20 PrivacyGuardian.org as the private domain name registration provider, and CloudFlare as
21 the website host.

22 31. On or about August 18, 2019, our search on the Wayback Machine Internet
23 Archive website for the www.pacificlogisticsprioritymail.com domain name indicates the
24 website created in or about January 2018. Attached as **EXHIBIT P** to the Appendix of
25 Exhibits is a true and correct screenshot of the results.

26 32. On or about August 19, 2019, our search on the Wayback Machine Internet
27 Archive website for the www.pacific-logistics.com domain name indicates a first archive
28 for the website in or about November 2000. Attached as **EXHIBIT Q** to the Appendix

1 of Exhibits is a true and correct screenshot of the report.

2 33. On August 19, 2019 at approximately 4:30 p.m. PST, I called the (916) 238-
3 8344 listed on the www.pacificlogisticsprioritymail.com website. The call connected and
4 the automated voice messaged asked for my name and stated that "Google Voice will try
5 to connect you." After the phone rang three times, I was disconnected.

6 34. On August 19, 2019 at approximately 4:45 p.m. PST, I called the (916) 238-
7 8344 listed on the www.pacificlogisticsprioritymail.com website for a second time. The
8 connected and the automated voice stated "the Google Voice subscriber is not available"
9 and requested I leave a name and telephone number for a call back.

10 35. On or about August 12, 2019, we contacted and interviewed private
11 investigators – Tristar Investigation, Empire Pacific Investigative Services, and
12 Specialized Resource Group – and inquired about strategy to identify and locate the
13 Defendants. Each investigator was pessimistic about the expense involved and the results
14 because the information on the website appeared fraudulent and the use of a privacy
15 company to hide the true owner of the domain.

16 36. On or about August 19, 2019, we reviewed the Abuse Reporting Procedures
17 for NameSilo, LLC, the domain registrar for www.pacificlogisticsprioritymail.com,
18 which states upon a report of abuse, NameSilo will contact the registrant and/or account
19 holder. Attached as **EXHIBIT R** to the Appendix of Exhibits is a true and correct
20 screenshot of the NameSilo Abuse Reporting Procedures.

21 37. On or about August 16, 2019, we reviewed the Terms of Service for
22 NameSilo, LLC, the domain registrar for www.pacificlogisticsprioritymail.com, which
23 conditions use of its services that users must agree to jurisdiction in Phoenix, Arizona.
24 Attached as **EXHIBIT S** to the Appendix of Exhibits is a true and correct screenshot of
25 the NameSilo Terms of Service.

26 38. On or about August 19, 2019, we reviewed the PrivacyGuardian.org
27 website, the private domain name registration provider for
28 www.pacificlogisticsprioritymail.com, which states upon a report of abuse,

1 PrivacyGuardian.org will contact the registrant and/or account holder. Attached as
2 **EXHIBIT T** to the Appendix of Exhibits is a true and correct screenshot of the
3 PrivacyGuardian.org website.

4 39. On or about August 19, 2019, we reviewed the Terms of Service for
5 CloudFlare, the website host for www.pacificlogisticsprioritymail.com, which states upon
6 a report of abuse, CloudFlare will contact the registrant and/or account holder. Attached
7 as **EXHIBIT U** to the Appendix of Exhibits is a true and correct screenshot of the
8 CloudFlare Terms of Service.

9 40. On or about August 21, 2019, we reviewed the Terms of Service for
10 Google, the host of email address pacificlogisticsprioritymail@gmail.com, stating that
11 users consent to personal jurisdiction in the federal or state courts of Santa Clara County,
12 California. Terms of service can be found at <https://policies.google.com/terms?hl=en>.

13 41. Attached as **EXHIBIT V** to the Appendix of Exhibits is a true and correct
14 copy of PLC's proposed Subpoena to Produce Documents, Information, or Objects or to
15 Permit Inspection of Premises in a Civil Action to NameSilo, LLC.

16 42. Attached as **EXHIBIT W** to the Appendix of Exhibits is a true and correct
17 copy of PLC's proposed Subpoena to Produce Documents, Information, or Objects or to
18 Permit Inspection of Premises in a Civil Action to PrivacyGuardian.org.

19 43. Attached as **EXHIBIT X** to the Appendix of Exhibits is a true and correct
20 copy of PLC's proposed Subpoena to Produce Documents, Information, or Objects or to
21 Permit Inspection of Premises in a Civil Action to CloudFlare, Inc.

22 44. Attached as **EXHIBIT Y** to the Appendix of Exhibits is a true and correct
23 copy of PLC's proposed Subpoena to Produce Documents, Information, or Objects or to
24 Permit Inspection of Premises in a Civil Action to Google LLC.

25 45. As a result of my 20 years of experience practicing intellectual property law,
26 I am informed that upon notice of a report of abuse or a Complaint, persons and
27 companies operating websites perpetuating fraudulent schemes transfer subject domain
28 names to registrars outside of the United States to evade service of process and continue

1 defrauding the public beyond the reach of a proper plaintiff.

2 I declare under penalty of perjury under the laws of the United States of America
3 that the foregoing is true and correct and that this was executed on the 21st day of
4 August, 2019 at Los Angeles, California.

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7 Milord A. Keshishian
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